

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROTH GRADING, INC., d/b/a IMPACT
ROLLER TECHNOLOGY,

Plaintiff,

vs.

H.M. MILLER CONSTRUCTION CO.,

Defendant.

CASE NO. 8:11CV242

ORDER

Before the Court is the Defendant's Motion for Leave to File a Sur-Reply in Opposition to Plaintiff's Motion for Summary Judgment (Filing No. 59), and the Plaintiff's Motion for Leave to File Supplemental Index of Evidence in Support of Motion for Summary Judgment (Filing No. 62). Both Motions are opposed. (See Filing No. 60 (opposition to Defendant's Motion); Filing No. 63 (opposition to Plaintiff's Motion).) Having considered the matters, the Defendant's Motion for Leave to File a Sur-Reply will be denied, and the Plaintiff's Motion for Leave to File Supplemental Index of Evidence will be granted. Accordingly,

IT IS THEREFORE ORDERED:

1. The Defendant's Motion for Leave to File a Sur-Reply in Opposition to Plaintiff's Motion for Summary Judgment (Filing No. 59) is denied;
2. The Plaintiff's Motion for Leave to File Supplemental Index of Evidence in Support of Motion for Summary Judgment (Filing No. 62) is granted; and
3. The Plaintiff shall submit its supplemental index of evidence on or before July 25, 2012.

Dated this 20th day of July, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge